

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

ORDER

RASHIEM COUNCIL,
PARIS FULTON, :

TERRENCE MCKEE, and :

MICHAEL GARCIA, : 22-CR-49 (PAE)

Defendants. :

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WHEREAS Defendants Rashiem Council, Paris Fulton, and Terrence McKee were arrested by New York City Police Department (NYPD) personnel on January 11, 2022 and charged federally in the above-captioned matter; and

WHEREAS pursuant to the arrests of Messrs. Council, Fulton, and McKee, NYPD personnel seized from these defendants certain cellphones and associated accessories, which were inventoried and vouchered on NYPD Invoice No. 2001098297; and

WHEREAS this property is not otherwise contraband for purposes of Federal Rule of Criminal Procedure 41(g); and

WHEREAS this matter has been fully adjudicated and no post-conviction or post-sentencing litigation is currently pending; and

WHEREAS the Government has no further need for the cellphones that were seized and vouchered on NYPD Invoice No.

2001098297; and

WHEREAS the Government consents to the return of the property
identified on NYPD Invoice No. 2001098297; and

WHEREAS defense counsel for Messrs. Council, Fulton,
and McKee consent to the joint return of the property
identified on NYPD Invoice No. 2001098297; and


WHEREAS Defendants Council, Fulton, and McKee have
satisfied the requirements of Federal Rule of Criminal
Procedure 41(g) and demonstrated that the return of
the property identified on NYPD Invoice No.
2001098297 is appropriate;

IT IS HEREBY ORDERED that the NYPD shall return to
defense counsel for Mr. Council, Assistant Federal
Defender Neil P. Kelly, Esq., or a representative of
the Federal Defenders of New York, the property identified
on NYPD Invoice No. 2001098297; and

IT IS FURTHER ORDERED that counsel for Mr. Council
shall transmit to counsel for Mr. Fulton and counsel for Mr.
McKee the returned property belonging to Mr. Fulton and Mr.
McKee, respectively.

The Clerk of Court is requested to terminate the
motion at Dkt. No. 131.

Dated: New York, New York
January 23, 2024



THE HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK